

**CHAPTER NO. 268**

**SENATE BILL NO. 791**

**By Cohen, Person, Carter, McNally, Miller, Dixon, Williams, Crowe**

Substituted for: House Bill No. 1254

By Newton, Briley, Sands, Bunch, Goins, Hargett, Todd, Baird, Beavers, Black, McCord

AN ACT To amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2, to enact the "Good Samaritan Protection Act of 1999".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Good Samaritan Protection Act of 1999".

SECTION 2. Tennessee Code Annotated, Section 29-34-201, is amended by deleting that section in its entirety and by substituting instead the following:

(a) Any person who is injured while committing a felony or attempting to commit a felony on the real property of another is barred from recovery of actual or punitive damages resulting from injuries, either accidentally or intentionally inflicted by the owner, lawful occupier or tenant of such property, which the person receives while committing or attempting to commit a felony.

(b) A person who accidentally or intentionally causes property damage to or inflicts injury or death upon the perpetrator of a criminal offense is absolutely immune from civil liability for or the payment of monetary damages from such person's actions if at the time such damage, injury or death occurred:

(1) The person was preventing or attempting to prevent the perpetrator from committing the offense or was apprehending the perpetrator of the offense; and

(2) The perpetrator was committing one (1) or more of the offenses specified in subsection (c)(1)—(c)(9) or was attempting to commit one (1) or more of the offenses specified in subsection (c)(10).

The immunity conferred by this subsection shall only apply to property damage caused to or injury or death inflicted upon a perpetrator of an enumerated offense and only under the conditions set out in this subsection. Such immunity shall not be construed to extend to property damage caused to or injury or death inflicted upon a bystander or other person who is not the perpetrator of an enumerated offense.

(c) The offenses for which such immunity applies are:

- (1) any criminal homicide,
- (2) aggravated rape,
- (3) kidnapping,
- (4) aggravated kidnapping,

- (5) especially aggravated kidnapping,
- (6) especially aggravated burglary,
- (7) aggravated robbery,
- (8) especially aggravated robbery,
- (9) carjacking, and
- (10) attempt to commit first or second degree murder.

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.

**PASSED: May 17, 1999**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 26th day of May 1999**

  
DON CONQUIST, GOVERNOR